

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**DAVID A. TROPP,**

**Plaintiff,**

**-against-**

**CONAIR CORP., et al.,**

**MEMORANDUM  
AND ORDER**

**08-CV-4446 (ENV)**

**Defendants.**

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**ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:**

Currently pending before this Court is a letter dated June 30, 2010, from plaintiff's counsel ("Pl. Letter"), ECF Docket Entry ("DE") #208, regarding plaintiff's request for (1) a sixty-day extension of the discovery deadline; (2) a telephone conference regarding discovery sought from third-party Travel Sentry, Inc.; and (3) an order directing the rescheduling of mediation.

With respect to plaintiff's request for a sixty-day extension, plaintiff circulated an email to defense counsel on June 28, 2010, proposing such an extension, and has received no objection to his proposal. In a letter filed today, various defendants complain that the request is "premature," and request that the Court deny the application without prejudice. See Letter to the Court from Zachary W. Berk (July 2, 2010) ("Def. Letter") at 1, DE #209. Instead, the Court will give defendants until July 8, 2010, to file any objection with the Court.

With respect to the discovery sought from Travel Sentry, defense counsel -- who also represents Travel Sentry -- states that Travel Sentry will address Tropp's request "in a separate letter to the Court." Id. That letter shall be filed by July 6, 2010.

The Court grants plaintiff's final request: the ADR Clerk is respectfully requested to take steps to ensure that mediation is promptly commenced.<sup>1</sup>

Finally, while seeking the Court's intervention on his own behalf, plaintiff has yet to file a response to two defense motions -- filed by Briggs & Riley and the Brookstone defendants -- for orders compelling plaintiff to respond to their discovery demands. See Letters to the Court (June 15 and 16, 2010), DE #205, 206.<sup>2</sup> However, based upon the letter filed today by defendants -- which was joined by Briggs & Riley and the Brookstone defendants, see Def. Letter at 1 -- it appears that plaintiff served discovery responses and produced documents on June 24, 2010. See id. at 2 n.2. Therefore, the two defense motions are denied as moot.

**SO ORDERED.**

**Dated: Brooklyn, New York  
July 2, 2010**

**ROANNE L. MANN  
UNITED STATES MAGISTRATE JUDGE**

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<sup>1</sup> In a separate portion of plaintiff's June 30th letter, he makes reference to a motion for sanctions that he claims is still pending. See Pl. Letter at 1. Apparently, plaintiff is referring to his letter of April 11, 2010, DE #176. That motion was addressed in a telephone conference on April 27, 2010, in which the Court removed any impediment to production by "resolv[ing] the parties' disputes about the proposed confidentiality order and caution[ed] them about overdesignating materials as confidential or highly confidential." Minute Entry (Apr. 27, 2010) at 1, DE #191. The Court understands that since that time, defendants have made additional document productions and other disclosures. Under these circumstances, the Court denies plaintiff's April 11th application, without prejudice to a renewed motion particularizing the discovery demands as to which a particular defendant's responses remain deficient.

<sup>2</sup> Plaintiff's responses to both motions were due on June 21, 2010. See E.D.N.Y. Local Civ. P. 37.3(c).